

E-Filed 8/23/2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

JOSE CONTRERAS,

Plaintiff,

v.

BANK OF AMERICA, et al.,

Defendants.

Case No. 11-cv-00068 JF (HRL)

ORDER¹ GRANTING MOTION TO
DISMISS WITH LEAVE TO AMEND

[Re: Docket No. 10]

Defendants Bank of America and Recontrust Company, N.A. move to dismiss Plaintiff's complaint pursuant to Fed. R. Civ. Pro. 12(b)(6). Any opposition to a motion must be served and filed not more than fourteen days after the motion is served and filed." Civil L.R. 7-3(a). Plaintiff has not filed timely opposition to Defendants' motion. Notice of Non-Receipt of Opp'n to Mot. to Dismiss at 1; Pl's Opp'n to Mot. To Dismiss. "If the party against whom the motion is directed does not oppose the motion, that party must file with the Court a Statement of Nonopposition within the time for filing and serving any opposition." Civil L.R. 7-3(b).

¹ This disposition is not designated for publication in the official reports.

ORDER

The Court concludes that Defendants' motion is well-taken and accordingly the motion will be GRANTED, with leave to amend. Any amended complaint shall be filed within thirty (30) days of this date of this order.

IT IS SO ORDERED.

DATE: 8/23/2011


JEREMY FOGEL
United States District Judge

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CERTIFICATE OF SERVICE

18 I, the undersigned, hereby certify that I am an employee of the Office of the Clerk, United
19 States District Court, Northern District of California.

20 On Tuesday, August 23, 2011, I served a true and correct copy of the [name of
21 document(s)] on each of the persons hereinafter listed by placing said copy in a postage paid
22 envelope and depositing said envelope in the United States mail, or by placing said envelope in
23 the outgoing mail delivery receptacle located in the Clerk's Office:

24 Jose Contreras
194 Trinity Avenue
Watsonville, CA 95078

25 DATED: 8/23/11

For the Court
Richard W. Weiking, Clerk

26 By: _____/s/
27 Diana Munz
28 Courtroom Deputy Clerk